

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

UNITED STATES OF AMERICA : S14 11 Cr. 1091 (VM)  
:  
- against - : DECLARATION IN  
PETER LESNIEWSKI, : SUPPORT OF DEFENDANT  
: DR. PETER LESNIEWSKI'S  
: MOTION FOR NEW TRIAL OR,  
: IN THE ALTERNATIVE, FOR  
Defendant. : RESENTENCING  
-----X

THOMAS ANTHONY DURKIN, pursuant to 28 U.S.C. §1746, hereby affirms under  
penalty of perjury:

1. I am a lawyer licensed to practice in the State of Illinois and was granted leave to appear *pro hac vice* in this matter on January 5, 2012, to represent Peter J. Lesniewski in the above-captioned case along with Joshua L. Dratel. I make this Declaration in support of Dr. Lesniewski's Motion for New Trial or, in the Alternative, for Resentencing.

2. The legal and factual bases for this motion are set forth in the accompanying Memorandum of Law, and it is respectfully requested that the facts set forth therein be incorporated by reference in this Declaration.

WHEREFORE, it is respectfully requested that the Court grant Dr. Lesniewski's motion for new trial or, in the alternative, for resentencing in its entirety, and for any such other and further relief as this Court deems just and proper.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief. 28 U.S.C. §1746. Executed October 2, 2015.

/s/ Thomas Anthony Durkin  
THOMAS ANTHONY DURKIN